

**REMARKS:**

Claims 1-10 have been cancelled. Claim 15 has been amended to correct a typographical error. Applicant reserves the right to pursue the original claims and other claims in this application and other applications. Claims 11-24 are pending in this application.

Claims 1 and 6-10 stand rejected under 35 U.S.C. §102(e) as being clearly anticipated by Stradely et al. (US 2003/0119175). Claims 1 and 6-10 have been cancelled.

Claims 1-24 stand rejected under 35 U.S.C. § 102(e) as being clearly anticipated by Felice et al. (US 2003/0136179). Claims 1-10 have been cancelled. Reconsideration with respect to claims 11-24 is respectfully requested.

In rejecting the claims with respect to US 2003/0136179 (hereinafter Felice et al.), the Office Action states, “Paragraph [0006] teaches the mail within the container is agitated and releases a plume of particulate that are within the individual pieces. The Office read agitating as meaning to move with sudden force, which has the effect of taking the article from a state of rest to a state of motion and then deceleration to a state of rest again. The taught agitation has been read on the claimed deceleration of the mail tray to release the particles within the mail. The claimed stop member has been read on the walls of the container (12) or the other articles of mail within the container where the agitation occurs that releases the particulate contents.” (Office Action, pages 2-3).

Felice et al. was filed on December 9, 2002, and claims priority to provisional application No. 60/340,118 (hereinafter provisional application), filed on Dec. 10, 2001. In order for subject matter that is disclosed in Felice et al. to be accorded the earlier filing date of the provisional application to which benefit is claimed, the provisional application must properly support the subject matter. If the provisional application does not properly support the subject matter, then the unsupported subject matter is accorded the filing date of Felice et al. (Dec. 9, 2002).

The present application was filed on December 18, 2001, which is before the filing date of Felice et al. Thus, any subject matter disclosed in Felice et al. that is not properly supported by the provisional application is not prior art with respect to the present application.

Applicants respectfully submit that the subject matter used by the Office Action to make the rejection is not properly supported by the provisional application, and therefore is not prior art with respect to the present application. As noted above, the subject matter relied upon by the Office Action in making the rejection is the agitation described in paragraph [0006] of Felice et al. The provisional application does not have any subject matter that corresponds to paragraph [0006] of Felice et al., nor is there any disclosure, teaching, suggestion or even mention of agitation anywhere in the provisional application. A complete copy of the file wrapper for the provisional application (60/340,118) is attached for the Examiner's convenience.

Accordingly, Applicants respectfully submit that the rejection of claims 11-24 is improper and the rejection should be withdrawn.

In view of the foregoing amendments and remarks, it is respectfully submitted that the pending claims are in condition for allowance and favorable action thereon is requested.

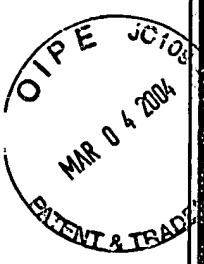
Respectfully submitted,



Brian A. Lemm  
Reg. No. 43,748  
Attorney for Applicants  
Telephone No.: (203) 924-3836

PITNEY BOWES INC.  
Intellectual Property and  
Technology Law Department  
35 Waterview Drive  
P.O. Box 3000  
Shelton, CT 06484-8000

Attachment: Copy of File Wrapper for 60/340,118



60/340,118  
12/10/01  
Class: Subclass: ISSUE/CLASSIFICATION

RECEIVED  
MAR 09 2004  
T01 FF  
AA

PROVISIONAL APPLICATION NUMBER

Form PTO-1625  
(Rev. 6/99)

(FACE)

00-04W00



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POSITION	INITIALS	ID NO.	DATE
FEE DETERMINATION			
O.I.P.E. CLASSIFIER			
FORMALITY REVIEW	R	972	09/02/02
RESPONSE FORMALITY REVIEW			

10/02/02

PATENT APPLICATION SERIAL NO. \_\_\_\_\_

**U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET**

12/19/2001 SZEWDIE1 00060023 504648 10000116  
01 FC:114 160.00 CH



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
 www.uspto.gov



B6 Data Sheet

CONFIRMATION NO. 7573

SERIAL NUMBER 60/340,118	FILING DATE 12/10/2001 RULE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO. 12078-159	
<b>APPLICANTS</b> Robert J. Felice, Endicott, NY; Patrick J. Fitzgibbons, Owego, NY;					
<b>** CONTINUING DATA</b> *****					
<b>** FOREIGN APPLICATIONS</b> *****					
Foreign Priority claimed 35 USC 119 (a-d) conditions met Verified and Acknowledged	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance Examiner's Signature _____ Initials _____	STATE OR COUNTRY NY	SHEETS DRAWING 1	TOTAL CLAIMS 1	INDEPENDENT CLAIMS
<b>ADDRESS</b> 26486					
<b>TITLE</b> Mail tub with vacuum ports					
FILING FEE RECEIVED 160	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees ( Filing ) <input type="checkbox"/> 1.17 Fees ( Processing Ext. of time ) <input type="checkbox"/> 1.18 Fees ( Issue ) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit			

## ABSTRACT OF THE DISCLOSURE

13 A vacuum mail tub being in the form of a substantially rigid container and a lid. The container including a vacuum port and an air vent for sampling air in the vacuum mail tub for possible biological contamination, such as anthrax. The container further including raised standoffs along the bottom of the container and channels along the walls to facilitate airflow efficiency through the vacuum mail tub when the lid is attached and a vacuum source is applied to the vacuum port. Air samples of the sealed container air are collected for contamination analysis.

800-531-1100  
12078-158-ProvApp-121001.doc

EXPRESS MAIL LABEL NO. EL653521185US DATE OF DEPOSIT: 12/10/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PROVISIONAL APPLICATION

APPLICANTS: Robert J. Felice of Endicott, New York,  
a U.S. citizen; and

Patrick J. Fitzgibbons of Owego, New York,  
a U.S. citizen.

INVENTION TITLE: MAIL TUB WITH VACUUM PORTS

ASSIGNEE:  
Lockheed Martin  
Corporation

ATTORNEYS:  
Jerry Cohen (Reg. No. 20,522)  
Harvey Kaye\* (Reg. No. 18,978)  
Stephen Y. Chow (Reg. No. 31,338)  
Christine M. Kuta, (Reg. No. 38,001)  
Jacob N. Erlich (Reg. No. 24,338)  
Peter J. Borghetti (Reg. No. 42,345)  
Leland D. Schultz (Reg. No. 30,322)  
Perkins, Smith & Cohen, LLP  
One Beacon Street  
Boston, Massachusetts 02108  
(617) 854-4000

\* Mr. Kaye is available at 301-948-5535

TO: BOX PROVISIONAL APPLICATION  
Commissioner for Patents  
Washington, DC 20231

Sir:

Your applicant(s), named above hereby request(s) acceptance  
of the enclosed PROVISIONAL application entitled as stated above  
pursuant to 35 U.S. C. 111(b).

EXPRESS MAIL LABEL EL653521185US

DATE OF DESPOSIT 12/10/01

MAIL TUB WITH VACUUM PORTS

BACKGROUND OF THE INVENTION

1 This invention relates generally to the containment of hazardous material in an enclosure, and, more particularly to the containment within a mailbox or drop box of a biological agent or like disposed in a mail piece.

2 The recent incidents of anthrax laced letters being transported through the United States Postal Service (USPS) facilities to unsuspecting recipients has alarmed the nation and the world. Currently, the tainted letters are discovered after the recipient accepts delivery or by alert postal employees noticing white powder that could be anthrax on mail parcels, sorting and distribution equipment, or themselves. There appears to be no current security devices or procedures that are available to intercept such letters at the earliest source of introduction into the USPS system, for example at the mailbox or post office drop box. Also, there appears to be no known devices or procedures that safe guard against biological agents in forms other than a white powdery substance, such as anthrax.

SUMMARY OF THE INVENTION

3 A vacuum mail tub being in the form of a substantially rigid container and a lid. The container including a vacuum port and an air vent for sampling air in the vacuum mail tub for possible biological contamination, such as anthrax. The container further including raised standoffs along the bottom of the container and

channels along the walls to facilitate airflow efficiency through the vacuum mail tub when the lid is attached and a vacuum source is applied to the vacuum port. Air samples of the sealed container air are collected for contamination analysis.

4 For a better understanding of the present invention, together with other and further objects thereof, reference is made to the accompanying drawings and detailed description.

#### BRIEF DESCRIPTION OF THE DRAWINGS

5 Figure is a partial sectional view of the present invention illustrating airflow intake and circulation within the present invention, and a schematic representation of the present invention cooperating with a vacuum/biosensor mechanism.

#### DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS

6 Now referring to FIG. 1, a vacuum mail tub 10 of the present invention includes a substantially rigid container 12 and a lid 14. An vacuum port 16 and an air vent 18 is provided in container 12 for sampling air in the vacuum mail tub 10 for possible biological contamination, such as anthrax.

7 The container 12 includes a bottom wall 19, sidewalls 20a, end walls 20b, an open end 21 with a lip 22, and molded standoffs 23. The container 12 is a unitary molded structure made of any substantially rigid material, examples of which include plastic, rubber, and metal. Vertical channels 24 add strength to the container 10 and assure an unobstructed path for any contaminants

to travel to the vacuum port 16 when a vacuum is applied. Additionally, the two opposing end walls 20b include handhold indentations 25 near the open end 21 to allow mail carriers to pick up the vacuum mail tub 10.

8 In preferred form, a lid 14 is provided which is suitably sized and contoured to snugly fit in the lip 22 of container 12. The lid 14 is preferably a unitary molded structure shaped as a rectangle made of any substantially rigid material, examples of which include plastic and rubber, which is of a sufficient width and length to extend longitudinally outward over the lip 22 of container 12. This allows lid 14 to form a substantially airtight seal with container 12.

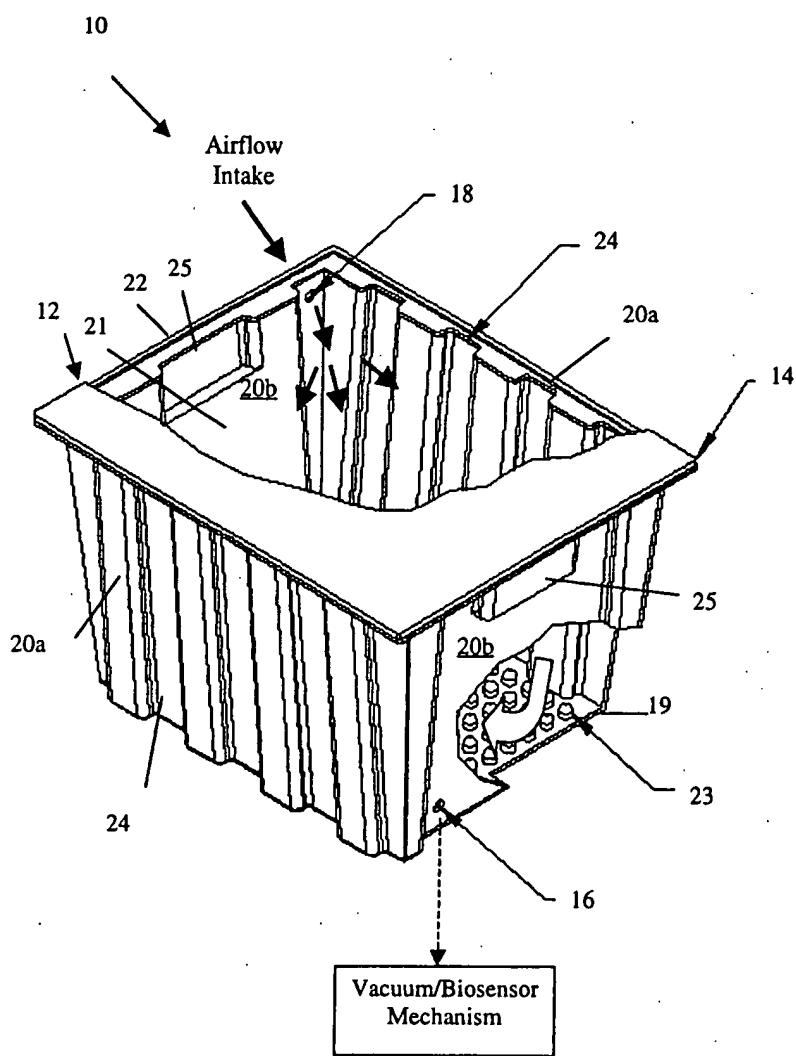
9 The molded standoffs 23 prevent mail articles from resting directly on the bottom wall 19 of the container 12 and assures an unobstructed path for any contaminates to travel to the vacuum port 16 when a vacuum is applied. Additionally, the molded standoffs 23 add strength to the container 12.

10 The air vent 18 can be located anywhere on container 12, but is preferred on an end wall 20b near the top open end 21. Similarly, the vacuum port 16 can be located anywhere on container 10, but is preferred on the opposing end wall 20b of the air vent 18 and near the bottom wall 19 of the container 12. The preferred locations are advantageous because air is drawn from the top of the container 10 where high concentration airborne contaminates are likely. Additionally, contaminants that settle on the bottom 19 will also be drawn from the container 10 as air travels to the vacuum port positioned the bottom wall 19.

11 Air passes from the outside environment into the vacuum mail tub 10 through air vent 18 into the vacuum mail tub 10. The air exits through the vacuum port 16 when a commercially available vacuum with a biological agent sensor attachment (not shown) is attached to vacuum port 16. The air samples from the vacuum mail tub 10 are analyzed to detect a biological agent or other contaminant. If such a contaminant is detected, the vacuum port 16 and the air vent 18 can be plugged with conventional plugs (not shown) to seal the contamination in the vacuum mail tub and transported to a decontamination center for further processing.

12 Although the invention has been described with respect to various embodiments, it should be realized this invention is also capable of a wide variety of further and other embodiments within the spirit and scope of the present invention.

TOOTER-STITCHES



EXPRESS MAIL LABEL NO.: F 53521185US

12/11/01

DATE OF DEPOSIT: December 10, 2001



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PTO/SB/16 (8-00)

Approved for use through 10/31/2002. OMB 0651-0032

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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### PROVISIONAL APPLICATION FOR PATENT COVER SHEET

This is a request for filing a PROVISIONAL APPLICATION FOR PATENT under 37 CFR 1.53 (c).



#### INVENTOR(S)

Given Name (first and middle [if any])	Family Name or Surname	Residence (City and either State or Foreign Country)
Robert J.	Felice	Endicott, New York
Patrick J.	Fitzgibbons	Owego, New York

Additional inventors are being named on the \_\_\_\_\_ separately numbered sheets attached hereto

#### TITLE OF THE INVENTION (280 characters max)

MAIL TUB WITH VACUUM PORTS

#### CORRESPONDENCE ADDRESS

Direct all correspondence to:

Customer Number

26486

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Bar Code Label here

AND

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Firm or  
Individual Name

Leland D. Schultz (Reg. No. 30,322)

Address

Address

City

State

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Fax

#### ENCLOSED APPLICATION PARTS (check all that apply)

Specification Number of Pages

5

CD(s), Number

Drawing(s) Number of Sheets

1

Other (specify)

Application Data Sheet. See 37 CFR 1.76

Return receipt postcard.

#### METHOD OF PAYMENT OF FILING FEES FOR THIS PROVISIONAL APPLICATION FOR PATENT (check one)

Applicant claims small entity status. See 37 CFR 1.27.

A check or money order is enclosed to cover the filing fees

FILING FEE AMOUNT (\$160.00)

The Commissioner is hereby authorized to charge filing  
fees or credit any overpayment to Deposit Account Number: 50-0646

Payment by credit card. Form PTO-2038 is attached.

The invention was made by an agency of the United States Government or under a contract with an agency of  
the United States Government.

No.

Yes, the name of the U.S. Government agency and the Government contract number are: \_\_\_\_\_

Respectfully submitted,

SIGNATURE

TYPED or PRINTED NAME

Peter J. Borghetti

TELEPHONE

617-854-4000

Date December 10, 2001

REGISTRATION NO. 42,345

(if appropriate)

Docket Number: 12078-159

#### USE ONLY FOR FILING A PROVISIONAL APPLICATION FOR PATENT

This collection of information is required by 37 CFR 1.51. The information is used by the public to file (and by the PTO to process) a provisional application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 hours to complete, including gathering, preparing, and submitting the complete provisional application to the PTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Box Provisional Application, Assistant Commissioner for Patents, Washington, D.C. 20231.

10/01/2001  
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## FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

**TOTAL AMOUNT OF PAYMENT** (\$ 160.00)

Complete if Known	
Application Number	N/A
Filing Date	Herewith
First Named Inventor	Robert J. Felice
Examiner Name	N/A
Group / Art Unit	N/A
Attorney Docket No.	12078-159

### METHOD OF PAYMENT (check one)

1.  The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number	50-0848
Deposit Account Name	Lockheed Martin Corporation

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
 Applicant claims small entity status. See 37 CFR 1.27

2.  Payment Enclosed:

Check  Credit card  Money Order  Other

### FEES CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	160.00

SUBTOTAL (1) (\$ 160.00)

2. EXTRA CLAIM FEES

Total Claims	-20	=	Extra Claims	X	Fee from below	=	Fee Paid
Independent Claims	-3	=		X		=	
Multiple Dependent		X					

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ )

### FEES CALCULATION (continued)

3. ADDITIONAL FEES	Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath		
127 50	227 25	Surcharge - late provisional filing fee or cover sheet		
138 130	139 130	Non-English specification		
147 2,520	147 2,520	For filing a request for reexamination		
112 920*	112 920*	Requesting publication of SIR prior to Examiner action		
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action		
115 110	215 55	Extension for reply within first month		
116 400	216 200	Extension for reply within second month		
117 920	217 460	Extension for reply within third month		
118 1,440	218 720	Extension for reply within fourth month		
128 1,960	228 980	Extension for reply within fifth month		
119 320	219 160	Notice of Appeal		
120 320	220 150	Filing a brief in support of an appeal		
121 280	221 140	Request for oral hearing		
138 1,510	138 1,510	Petition to institute a public use proceeding		
140 110	240 55	Petition to revive - unavoidable		
141 1,280	241 640	Petition to revive - unintentional		
142 1,280	242 640	Utility issue fee (or reissue)		
143 450	243 230	Design issue fee		
144 620	244 310	Plant issue fee		
122 130	122 130	Petitions to the Commissioner		
123 50	123 50	Processing fee under 37 CFR 1.17(q)		
126 180	126 180	Submission of Information Disclosure Stmt		
581 40	581 40	Recording each patent assignment per property (other than number of properties)		
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))		
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))		
179 740	279 370	Request for Continued Examination (RCE)		
159 900	159 900	Request for expedited examination of a design application		

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ )

SUBMITTED BY

Complete if applicable					
Name (Print/Type)	Peter J. Borghetti		Registration No. Attorney/Agent)	42,345	Telephone (617) 854-4000
Signature				Date	December 10, 2001

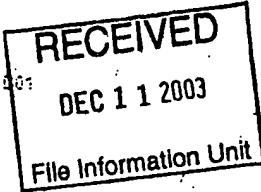
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FPA-55-02-07-03  
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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

**REQUEST FOR ACCESS TO AN ABANDONED APPLICATION UNDER 37 CFR 1.14**

Bring completed form to:  
File Information Unit  
Crystal Plaza Tower, Room 1001  
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Arlington, VA  
Telephone: (703) 305-2733



In re Application of

Application Number: 60/340118 File# 16-10-01

Paper No. 2

I hereby request access under 37 CFR 1.14(e)(1)(iv) to the application file record of the above-identified ABANDONED application, which is identified in, or to which a benefit is claimed, in the following document (as shown in the attachment):

United States Patent Application Publication No. 2003/0136179, page, \_\_\_\_\_ line \_\_\_\_\_

United States Patent Number \_\_\_\_\_, column \_\_\_\_\_, line, \_\_\_\_\_ or

WIPO Pub. No. \_\_\_\_\_, page \_\_\_\_\_, line \_\_\_\_\_

**Related Information about Access to Pending Applications (37 CFR 1.14):**

Direct access to pending applications is not available to the public but copies may be available and may be purchased from the Office of Public Records upon payment of the appropriate fee (37 CFR 1.19(b)), as follows:

For published applications that are still pending, a member of the public may obtain a copy of:

the file contents;  
the pending application as originally filed; or  
any document in the file of the pending application.

For unpublished applications that are still pending:

- (1) If the benefit of the pending application is claimed under 35 U.S.C. 119(e), 120, 121, or 363 in another application that has: (a) issued as a U.S. patent, or (b) published as a statutory invention registration, a U.S. patent application publication, or an international patent application publication in accordance with PCT Article 21(2), a member of the public may obtain a copy of:
  - the file contents;
  - the pending application as originally filed; or
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- (2) If the application is incorporated by reference or otherwise identified in a U.S. patent, a statutory invention registration, a U.S. patent application publication, or an international patent application publication in accordance with PCT Article 21(2), a member of the public may obtain a copy of:
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Enya

16-11-03

Signature

Date

Henry Dux

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